

SUMMARY REPORT OF INVESTIGATION¹

I. EXECUTIVE SUMMARY

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| Date of Incident: | July 9, 2016 |
| Time of Incident: | 5:00 p.m. |
| Location of Incident: | XXX W. Randolph St., Apt. XXX, Chicago, IL XXXXX |
| Date of COPA Notification: | July 10, 2016 |
| Time of COPA Notification: | 10:00 a.m. |

On July 9, 2016, Subject 1 held a birthday party at her apartment. Her neighbor called the police with a noise complaint and Officers A and B responded to Subject 1's apartment. Subject 1 told the officers that she could play her music as loudly as wanted, because it was her birthday. Officer B went to the adjacent apartment to speak with the tenant who had initiated the noise complaint while Officer A stayed with Subject 1 and continued to speak with her. Subject 1 eventually requested a sergeant be called to the scene. A sergeant responded and Subject 1 later found a noise violation citation stuck to her door. Subject 1 alleges that racially charged language was directed towards her during the course of her interaction with the police; this investigation resulted in a Not Sustained finding.

II. INVOLVED PARTIES

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| Involved Officer #1: | Officer A, #XXXXXX, employee ID #XXXX, DOA XXXXXXXX X, 1999, Police Officer, Unit XXX, DOB XXXXX XX, 1974, male, Hispanic |
| Subject #1: | Subject 1, XXXX X, 1991, female, Black |

III. ALLEGATIONS

| Officer | Allegation | Finding |
|-----------|---|---------------|
| Officer A | 1. It is alleged that Officer A was rude and unprofessional to Subject 1 when he directed racially charged language at her, in violation of Rule 8. | Not Sustained |

IV. APPLICABLE RULES AND LAWS

¹ On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

Rules

1. Rule 8: Disrespect to or maltreatment of any person, while on or off duty.

V. INVESTIGATION²**a. Interviews**

In her July 23, 2016 **statement to COPA**,³ **Subject 1** stated that on the evening of July 9, 2016, she was hosting a birthday party in her apartment. She was playing music loudly and believed she had the right to do so because it was not late at night and it was also her birthday.⁴ The building concierge contacted Subject 1 to let her know that her neighbor was complaining about noise. A little while later, Subject 1's neighbor knocked on her door and asked her to turn down the music. Subject 1 explained that it was her birthday and she was having a party. She did not turn down the music. About half an hour later, two officers showed up at her door and told her that her neighbor made a noise complaint. Officer A told her that she needed to turn down the music. Officer B told her that this visit was just a warning and that they were not going to write her a ticket. Subject 1 was explaining her building's procedure for filing noise complaints when Officer A said something like, "This is not Englewood or the South Side of Chicago." Subject 1 interpreted this as a racist comment and believed Officer A said this because she is Black. Subject 1 stated that the situation then escalated between her and Officer A, so she closed her front door on him. Subject 1 called the police and requested a Black sergeant, but the dispatcher told her that they do not dispatch sergeants based on race. A female sergeant eventually responded, but Subject 1 believed that the sergeant was there on behalf of Officer A. Subject 1 refused to speak with this sergeant and again closed her door. Later that evening Subject 1 discovered a citation on her front door. Subject 1 eventually went to a police station and filed a complaint with a lieutenant.⁵

In his February 23, 2018 **statement to COPA**,⁶ **Accused Officer A** stated that on July 9, 2016 he and Officer B were dispatched to Subject 1's apartment for a noise complaint. When they arrived on the Xth floor, Officer A immediately noticed very loud, thumping music coming from Subject 1's apartment. Officers A and B knocked on Subject 1's door and asked her to turn down the music. Subject 1 was verbally hostile and combative with the officers by yelling and using profanity. She stated that it was her "fucking birthday" and she could play her music as loud as she wanted. Officer A continued to speak with Subject 1 while Officer B went to the next apartment to speak with the neighbor who called 911 about the noise. Officer A eventually joined Officer B in the neighbor's apartment to discuss the noise complaint. Officer A went back to Subject 1's apartment, where he was met with more hostility and profanity from Subject 1. Officer A also noticed Subject 1 holding a clear cup filled with red liquid that smelled strongly of alcohol.

² COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

³ Attachment 10

⁴ Note: Subject 1's birthday was three days prior to this incident.

⁵ Subject 1 also complained in her statement to COPA that Officer A did not let her sign a complaint against her neighbor or arrest her for knocking on Subject 1's door and disturbing her. Because this does not rise to the level of misconduct, it is not necessary for Officer A to address it in any way.

⁶ Attachment 27

Officer A attempted to de-escalate the situation by remaining calm and using a softer voice, but nothing he did would calm Subject 1. Subject 1 eventually called 911 to request a supervisor, and then slammed her front door in Officer A's face as he was still attempting to speak with her. Officer A heard over his radio that a sergeant was en route, so Officers A and B went down to the lobby. The officers went back up to the Xth floor once the sergeant arrived. The sergeant knocked on Subject 1's door. Officer A heard Subject 1 speak over the sergeant and act combatively like she had with him earlier. The situation continued to escalate and Subject 1 eventually closed her door on the sergeant. The sergeant then directed Officer A to place a citation on Subject 1's door, which he did. Officer A did not recall saying something like, "This is not Englewood or the South Side" to Subject 1. He also did not recall if he mentioned Englewood or the South Side to her. He denied directing racially charged language to Subject 1.

In his February 21, 2018 **statement to COPA**,⁷ Officer B provided essentially the same account as Officer A. He also explained that he left Officer A alone with Subject 1 for about three to five minutes while he went next door to speak with the neighbor who made the initial noise complaint. Officer B denied hearing Officer A mention Englewood or the South Side to Subject 1. Officer B did not recall hearing Subject 1 complain that Officer A said something racist or mentioned Englewood or the South Side.

VI. ANALYSIS

COPA recommends a finding of **NOT SUSTAINED** for Allegation #1 against Officer A. Subject 1 alleged that Officer A was rude and unprofessional towards her by using racially charged language. Officer A denied it. Officer B was initially present on scene, but was separated from Officer A and Subject 1 for three to five minutes during which time something may have occurred. However, there is insufficient evidence to prove or disprove by a preponderance of the evidence that Officer A directed racially charged language at Subject 1.

VII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

| Officer | Allegation | Finding |
|-----------|---|---------------|
| Officer A | 1. It is alleged that Officer A was rude and unprofessional to Subject 1 when he directed racially charged language at her, in violation of Rule 8. | Not Sustained |

Approved:

⁷ Attachment 22

COPA Deputy Chief Administrator

Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

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| Squad: | X |
| Investigator: | COPA Investigator |
| Supervising Investigator: | COPA Supervising Investigator |
| Deputy Chief Administrator: | COPA Deputy Chief Administrator |